

**STATEMENT OF PROCEEDINGS FOR THE
SPECIAL MEETING OF THE
CITY OF MONTEBELLO OVERSIGHT BOARD**

**CITY OF MONTEBELLO
CITY COUNCIL CHAMBERS
1600 WEST BEVERLY BOULEVARD
MONTEBELLO, CALIFORNIA 90640**

Wednesday, June 13, 2012

8:15 a.m.

AUDIO FOR THE ENTIRE MEETING (12-3231)

Attachments: [AUDIO](#)

I. CALL TO ORDER

Chair Bruckner called the meeting to order at 8:22 a.m.

II. ROLL CALL

Present: Chair Richard Bruckner, Vice Chair Ernesto Hidalgo, Board
 Members: Edgar Cisneros, Yolanda Duarte and Cheryl A. Plotkin

Vacant: Mayoral Appointee and Chancellor of California Appointee

III. ADMINISTRATIVE MATTER

- 1. Self introductions of newly appointed Oversight Board member. (12-2700)**

There were no newly appointed individuals.

Chair Bruckner inquired about the Mayoral appointee. Michael Huntley, Director of Planning & Community Development, advised the Oversight Board that the City Mayoral appointee, Richard Powers, declined his appointment to the City of Montebello's Oversight Board as Mr. Powers is a Member of the Long Beach Oversight Board. Mr. Huntley further informed the Board that the Mayor for the City of Montebello is looking into appointing someone soon.

The Board also questioned when the Chancellor of California will provide an appointee for the Oversight Board. The Successor Agency (SA) Staff and Oversight Board Administrative Staff informed the Oversight Board that as of June 5, 2012, the appointee for the California Chancellor of Community Colleges has not been filled as advised by the Interim Administrator for Fiscal Policy, California Community Colleges.

IV. RECOMMENDATION

2. Consideration of retaining Legal Counsel services for the Oversight Board.
(Continued from the meetings of 4-24-12, 5-2-12 and 6-6-12) (12-1719)

Chair Bruckner advised the Board that the Oversight Board does not have the power to independently engage in retaining Legal Counsel. The approach suggested to retaining the Oversight Board's Legal Counsel is to enter into a cooperation agreement between the City and the SA to retain Legal Counsel selected by the Board.

Matt Gorman, Legal Counsel to the SA, addressed the proposal presented by Chair Bruckner and informed the Board that this suggestion will need to be submitted to the City Council for consideration and determination of entering into a Cooperation agreement.

Francesa Tucker-Schuyler, Interim City Administrator, City of Montebello, advised the Board that the City Council will look into the merits of the recommendation given the present circumstances.

Vice Chair Hidalgo questioned the timeliness of responding to the Summons. Chair Bruckner stated that a response should be submitted; however, the Oversight Board does not have Legal Counsel and there is concern in responding without legal advice. The Oversight Board needs to retain Legal Counsel as soon as possible. Vice Chair Hidalgo questioned how soon Legal Counsel can be retained. Ms. Tucker-Schuyler addressed the Board that a Closed Session has been scheduled by the City Council to discuss this matter and the Oversight Board will be notified of the City Council's decision as soon as possible.

Mr. Jeffrey M. Oderman from the law firm of Rutan & Tucker, LLP representing the plaintiffs Ara Sevacherian and Whittier Blvd. Properties, LLC, addressed the Board and provided a brief history between his clients and the former Redevelopment Agency leading to the lawsuit. Mr. Oderman further addressed Vice Chair Hidalgo's concern on the Summons, and advised the Board that his firm will cooperate by extending the time to respond to the Summons within reason, giving the Oversight Board's Legal Counsel to evaluate the litigation and the Oversight Board's position.

On motion of Board Member Plotkin, seconded by Vice Chair Hidalgo, unanimously carried, the Board instructed the SA to retain the law firm of Stratney, Yocum, Carlson and Roth as Legal Counsel for the Oversight Board.

Ayes: 5 - Board Members Cisneros, Duarte Plotkin, Vice Chair Hidalgo and Chair Bruckner

Vacant: 2 - Mayoral Appointee and Chancellor of California Appointee

Furthermore, on motion of Chair Bruckner, seconded by Board Member Plotkin, unanimously carried, the Board recommended and requested the City Council and the SA to retain Stratney, Yocum, Carlson and Roth on behalf of the Oversight Board for general services and specifically for the case entitled Sevacherian, et al. v. Community Redevelopment Agency of the City of Montebello, Los Angeles County Superior Court Case No. BC437787 for whatever limited money they see fit.

Ayes: 5 - Board Members Cisneros, Duarte Plotkin, Vice Chair Hidalgo and Chair Bruckner

Vacant: 2 - Mayoral Appointee and Chancellor of California Appointee

Attachments: [Staff Report](#)

V. CLOSED SESSION

3. Successor Agency Counsel shall provide a briefing on the items listed for Closed Session as follows:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Subdivision (a), of Government Code Section 54956.9)

Sevacherian, et al. v. Community Redevelopment Agency of the City of Montebello, Los Angeles County Superior Court Case No. BC437787) (12-2793)

Mr. Jeffrey M. Oderman from the law firm of Rutan & Tucker, LLP representing the plaintiffs Ara Sevacherian and Whittier Blvd. Properties, LLC, addressed the Board and advised the Board that a Closed Session will not be possible if the Oversight Board has no Legal Counsel.

Chair Bruckner addressed his comment and will table the closed session item until Legal Counsel for the Oversight Board has been retained.

By Common Consent, there being no objection (Mayoral and Chancellor of Community Colleges Appointees being vacant), this item was tabled until Legal Counsel for the Oversight Board has been retained.

VI. MISCELLANEOUS

4. Matters not on the posted agenda (to be presented and placed on the agenda of a future meeting). (12-2697)

No matters were presented for a future agenda item.

5. Public Comment. (12-2698)

Mr. Jeffrey M. Oderman from the law firm of Rutan & Tucker, LLP representing the plaintiffs Ara Sevacherian and Whittier Blvd. Properties, LLC, addressed the Oversight Board.

6. MTB - Adjournment

The Special Meeting adjourned at 8:44 a.m. The next regular meeting of the Oversight Board will be July 11, 2012 at 8:15 a.m.